

# HOUSE BILL REPORT

## HB 1582

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### As Amended by the Senate

**Title:** An act relating to forest practices applications leading to conversion of land for development purposes.

**Brief Description:** Concerning forest practices applications leading to conversion of land for development purposes.

**Sponsors:** Representatives Lytton, Morris, Chandler, Blake, Wilcox, Orcutt, Tharinger, Hinkle, McCune, Pearson and Van De Wege.

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Natural Resources: 2/11/11, 2/15/11 [DP].

##### **Floor Activity:**

Passed House: 2/28/11, 97-0.

Senate Amended.

Passed Senate: 3/30/11, 48-0.

#### **Brief Summary of Bill**

- Changes the description of forest land that the state assumes will convert to a non-forestry use from lands platted before 1960 to parcels that are 2.5 acres or smaller in size.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 13 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Hinkle, Kretz, Lytton, Orcutt, Pettigrew, Rolfes and Van De Wege.

**Staff:** Jason Callahan (786-7117).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Forest Practices Act establishes four classes of forest practices based on the potential for the proposed operation to adversely affect public resources. The Forest Practices Board (Board) establishes standards that determine which forest practices are included in each class. The different classes determine the level of Department of Natural Resources (DNR) involvement in the permitting process.

The four classes are:

- Class I forest practices are those determined by the Board to have no direct potential for damaging a public resource.
- Class II forest practices have a less than ordinary potential for damaging a public resource.
- Class III forest practices are more substantial than Class II, but less substantial than Class IV.
- Class IV forest practice activities have the potential for substantial environmental impacts and require compliance with the State Environmental Protection Act (SEPA).

Class IV forest practices include activities where forestland is to be converted to another use; activities on lands likely to be converted to urban development; and activities on lands platted after January 1, 1960.

Class IV forest practices are assumed to be related to land uses other than forestry. These proposals may require a license or permit from a local government. The local government assumes lead agency status for purposes of ensuring compliance with the SEPA.

#### **Summary of Bill:**

References in the Forest Practices Act to lands that were platted after January 1, 1960, are removed. These lands are no longer defaulted into being lands that fall under the Class IV forest practices categorization and are no longer automatically assumed to be lands that will be converted to a non-forestry land use.

However, forested lots that are 2.5 acres or less in size are considered to be included in the Class IV grouping of forest practices. These lots can be removed from that categorization if the landowner:

- shows that he or she owns adjacent lots totaling more than five acres with a common boundary that is at least 10 percent of the overall perimeter of the smaller lot; or
- provides to the DNR and the local government a written statement of intent not to convert the land to a non-forestry use for 10 years.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment removes language that included forest practices being conducted on lots less than or equal to two and one-half acres as a forest practice that is given default consideration as a Class IV forest practice.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a permit streamlining effort to help keep small forest landowners practicing forestry and to save money for the counties and clear up jurisdictional questions. The Forest Practices Act was chosen as the regulatory mechanism to review land conversions before there were other growth management and environmental protection laws. This is no longer the case, and the reference to platted lands is an anachronous legacy of those earlier times. The Forest Practices Rules should focus on forestry, and not on land development and growth management. Likewise, the DNR should be responsible for forestry, and local governments should be empowered to manage development.

There will be no changes as to how forestry is conducted other than removing the assumption that all small forest land owners want to convert their land out of forestry. The current law uses local permit fees to force a landowner into developing forest land.

(Opposed) None.

**Persons Testifying:** Representative Lytton, prime sponsor; Sharon Dillon and Kendra Smith, Skagit County; Josh Weiss, Association of Washington Counties; Darin Cramer, Washington State Department of Natural Resources; and Dave Chamberlain and Aubrey Stargell, Skagit County Forest Advisory Board.

**Persons Signed In To Testify But Not Testifying:** None.